

# Nigeria

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## Freedom of the Press

Nigeria's vibrant and active media sector came under renewed assault in 2013 as the government lashed out at media targets probing its ineffectual war against terrorism and multiple scandals involving high-level public corruption. During the year, more than a dozen arrests and prosecutions of journalists were carried out under the antiterrorism and public incitement laws, though none of the trials reached a conclusion or conviction. Nonetheless, harassment, obstruction, and intimidation of the media combined to create a chilling effect on free expression.

The 1999 constitution guarantees freedom of expression and of the press, and in recent years, federal courts have attempted to extend legal protections for journalists and to provide fair rulings on cases involving the media. For example, in October 2012, a high court ruled that police had violated the fundamental human rights of Desmond Utomwen, a correspondent for *The News* magazine and the daily *PM News*, when they assaulted and detained him as he attempted to cover a peaceful protest outside a private bank in Abuja in 2009. The court awarded Utomwen 100 million naira (\$638,000), the largest legal settlement in any Nigerian case involving a journalist.

Sharia (Islamic law) courts, which operate in 12 northern states, demonstrate antagonism toward free expression, and Sharia statutes impose severe penalties for alleged press offenses. Other criminal and civil provisions applicable to the entire country also create various press and speech offenses, including sedition, criminal defamation, and publication of false news. Several journalists have been charged with criminal defamation in recent years, though the charges have generally later been withdrawn. One of the more serious cases of 2013 involved charges filed against *Leadership* news editor Tony Amokeodo and political correspondent Chibuzor Ukuibe over publication of a memo allegedly written by President Goodluck Jonathan on plans to increase gas prices and disrupt the merger of opposition political parties. A federal high court initially dismissed the charges in April after the paper challenged the court's jurisdiction over the case and the president withdrew the charges, but in June, the government re-filed the case at the Abuja High Court and hauled the two journalists, along with Omofuma Juliane, a representative of the parent company Leadership Group Ltd., back to court. The two journalists and the company face 11 criminal counts, including forgery, conspiracy to commit a felony, and incitement of public disaffection against the president. If convicted, the journalists could be sentenced to life in prison. In September, police arrested Tukur Mamu, publisher of the Kaduna-based *Desert Herald*, and brought him before an Abuja judge on charges of publishing defamatory stories about the administration of the Federal Capital Territory (FCT) and its minister, Bala Mohammed. Mamu has been a target of harassment dating back to 2009 and had been preparing to publish a damning book about corruption within the FCT administration at the time of his arrest.

In June 2013, the government introduced amendments to its 2011 antiterrorism law in a bid to stem the carnage from attacks by militant groups, including the Islamist terrorist group, Boko Haram, which claimed more than 1,500 lives in 2013. But critics say certain provisions of the law are so broadly worded that they could be interpreted to include some legitimate journalistic practices. Section 5(2)(c), for example, prohibits "Receipt or provision of information or moral assistance, including invitation to adhere to a terrorist or terrorist group."

The 2011 Freedom of Information Act guarantees citizens' right to public information and has put pressure

on government agencies to release records in response to petitions by media and activist groups. Some state governors have balked at complying with the law, arguing that the federal legislation is not applicable to the states. Journalists were also denied access to state government officials on some occasions in 2013. In January, the Lagos state government barred ministers, senior officials, and other civil servants from granting media interviews without express prior permission from the information ministry.

Public agencies responsible for media licensing and regulation are run by government appointees whose decisions are not independent, according to the Committee to Protect Journalists (CPJ). The National Broadcasting Commission (NBC), the agency responsible for processing applications for broadcast licenses and upholding the broadcast code, has come under particular scrutiny for processes and decisions critics view as opaque and politically biased. In 2010, Jonathan announced that the government was giving the NBC full authority to consider and issue licenses only for community radio, without obtaining final approval from the presidency, provided applications “met all the conditions stipulated by law.” Since the announcement, however, there has been no amendment to the law establishing the NBC and its charter to support the change in the commission’s mandate. In August 2012, the federal cabinet approved the merger of the NBC with the Nigerian Communications Commission (NCC), the independent telecommunications regulatory body. In principle, the unification would create a more powerful information and communication technologies (ICT) agency, but new legislation is still required for the move to be implemented.

The Nigerian Press Council (NPC) was created by a military government in 1992 to regulate a wide range of media policy, including registration and journalistic practice. A 1999 amendment to the decree introduced provisions that prescribed fines and possible jail sentences for noncompliant journalists. With the return to civilian rule in 1999, local media advocacy groups and newspaper owners under the Newspapers Proprietors Association of Nigeria (NPAC) challenged the constitutionality of the repressive decree, and in 2010 a federal high court duly nullified key sections of the Nigerian Press Council Act as unconstitutional, stripping the NPC of most of its powers. In 2013, the NPAC issued a statement condemning what it considered attempts by federal government officials to revive the “moribund” press council.

Broadcast media outlets are sometimes sanctioned by regulatory agencies over their criticism of the government or coverage of sensitive issues such as high-level public corruption and national security. In February 2013, the NBC suspended the license of Wazobia FM radio station in Kano, northern Nigeria, after the station aired a program that raised concerns about local officials’ management of the polio vaccination program. The radio station was blamed for inciting the violence that led to the shooting deaths of nine health care workers administering the vaccine in Kano. In April, the National Film and Video Censors Board (NFVCB)—another agency staffed by presidential appointments—banned the controversial documentary *Fuelling Poverty*, which details the misappropriation of oil revenues by the Nigerian government. The board ruled that the content of the film was “highly provocative and likely to incite or encourage public disorder and undermine national security.”

Critical news websites also faced occasional interference and restrictions on access in 2013. In September, Minister of Information Labaran Maku singled out online news sites *Premium Times* and the New York-based *Sahara Reporters* over reporting he claimed was “deliberately contrived to undermine military strategy, demoralize our troops, or even cause incitement to mutiny.” In November, *Premium Times* discovered that it was suddenly unable to post links from its website to its Facebook pages after other users had allegedly reported the links “abusive.” *Premium Times* was not contacted about the abusive link complaints nor given an opportunity to respond to the allegations before the links were disabled—in violation of Facebook’s own policy. The restriction lasted for two months, despite numerous petitions by *Premium Times’* editors to Facebook moderators. In a country where Facebook is the third-most visited website, the results were devastating: visitors to *Premium Times* Facebook page dropped from 221,981

visitors in October to 70,558 in November, and 23,784 in December. *Premium Times* editors suspect those who reported the links as abusive were hired to do so by government authorities in retaliation for the site's critical reporting on corruption and security issues.

State and nonstate actors engaged in acts of obstruction and intimidation against journalists during the year. In July 2013, Chris Atsaka, a journalist and the chairman of the Nigeria Union of Journalists (NUJ) was beaten in front of a government building by a state security agent. Atsaka was on an official visit to the Benue State Government House but was prevented from entering by the security agent, who, along with a police officer, proceeded to beat him with a horsewhip and the butt of a gun. In October, armed agents with the State Security Services (SSS) barred the press from covering the arraignment of 17 suspected Boko Haram members at a Lagos court. The agents claimed they were acting on the orders of the office of the president. One reporter who argued that the press had a right to cover the proceedings was threatened with arrest, while several of the SSS agents pointed their guns at the other journalists, threatening to shoot those who refused to leave, according to local press reports. An Abuja court had earlier in the year rejected the government's application to bar journalists from covering the trial of a suspected Boko Haram operative, citing the public's right to be informed.

Reporting critical of security services' operations against Boko Haram militants drew particular sanction. In February 2013, heavily armed security agents stormed the home of Musa Muhammad Awwal, editor of *Al-Mizan* newspaper, in the north-central city of Kaduna, and seized his laptop and mobile phone. Awwal was taken into custody and held for eight days before being released. No warrant was produced and no reason given for his arrest, nor was his family told where he was being held. The editor had written several investigative stories documenting extrajudicial detentions of terrorism suspects by the security services and had been held without charge previously over his reporting. Boko Haram also directly threatened journalists and media outlets in 2013. Ahmad Salkida, a reporter for *Premium Times*, fled the country with his family after refusing multiple requests to conduct exclusive interviews with the militant group, and to write articles containing their perspectives.

Nigeria remains a dangerous place to practice journalism. Two journalists were killed in 2013, but authorities have yet to confirm motives in either case. In January, the editor of the monthly *Anambra News* was killed by unidentified gunman; he was found by his brother, who is also the publisher of the monthly and who had received an anonymous call informing him of the location of the body. In September, journalist A'isha Usman was found dead and severely mutilated in the northern city of Zaria. Usman worked at a magazine called *Mahangar Arewar*, but her death has not been definitively linked to her work. Nigeria was placed on CPJ's annual *Impunity Index* for the first time in 2013 due to "a steady rise in anti-press violence in recent years." The index ranks the 12 countries in the world with the worst records of solving journalist murders, alongside high journalist murder rates.

As a result of these threats, as well as a reluctance to irk media owners and sponsors, some journalists practice self-censorship and generally refrain from covering sensitive political, social, ethnic, or religious issues.

Despite these instances of interference and challenges, Nigeria has one of the most vibrant and varied media landscapes in Africa. There are more than 100 national and local publications, the most influential of which are privately owned. However, a number of state and local governments own print and broadcast media, as do individuals directly involved in politics. The print sector is generally vibrant and outspoken in its criticism of unpopular government policies. There are 15 major privately owned daily newspapers, one government-owned daily with national reach, and a number of other state-owned dailies that tend to be poorly produced and require large advertising subsidies.

While radio remains the main source of information for Nigerians, television penetration has grown substantially in recent years with the proliferation of satellite dishes—even in rural areas. Private television

stations must ensure that 60 percent of their programming is produced locally, while private radio must ensure that 80 percent is produced locally. The state's history of monopolizing broadcast communications has prevented the development of community radio, although an advocacy movement begun in 2003 has resulted in signs of support from the government. Licensing fees and taxes for broadcast media remain high, and many outlets experience financial difficulties, limiting their viability. The only two nationwide broadcast networks are state-owned: the Federal Radio Corporation of Nigeria and the Nigerian Television Authority (NTA). However, in 2010 the NBC awarded the first private radio and television network license to Silverbird Communications, which had outbid two other private competitors for the licenses. A 2004 NBC ban on the live rebroadcast of foreign programs, including news, on domestic stations remains in force. However, international broadcasters themselves, such as the British Broadcasting Corporation (BBC) and Voice of America, are key sources of news in the country.

The internet has become an important news source for Nigerians in recent years, as traditional news media are increasingly burdened by high operating costs or subject to editorial interference. Nigeria has a high internet penetration rate and the greatest number of internet users in Africa. About 38 percent of the population accessed the medium in 2013. Social-media platforms in particular have proved influential as an alternative source of information and opinion, as well as in countering government censorship. When the documentary *Fuelling Poverty* was banned by the NFVCB in April, activists turned to social-media networks to share it: to date, the film has received more than 74,000 views on YouTube.

Bribery and corruption remain problems in the media industry, particularly in the form of "brown envelopes," or small cash gifts that sources give journalists. A 2009 survey of 184 media professionals in Lagos found that 61 percent of them habitually received brown envelopes while on reporting assignments. However, 74 percent of the respondents disagreed that the gifts led to biased coverage, perhaps because the practice is so common.

## **2014 Scores**

### **Press Status**

Partly Free

### **Press Freedom Score**

**(0 = best, 100 = worst)**

51

**(0 = best, 30 = worst)**

14

**(0 = best, 40 = worst)**

22

**(0 = best, 30 = worst)**

15

